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19 NOV 2008

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In re Application of :
REINEKE, Theresa, et al. :
Application No.: 10/596,520 : DECISION
PCT No.: PCT/US2004/042949 :
Int. Filing Date: 20 December 2004 :
Priority Date: 19 December 2003 : ON REQUEST UNDER
Attorney's Docket No.: 10738-97 : 37 CFR 1.497(d)
For: POLYAMIDES AND POLYAMIDE :
COMPLEXES AND METHOD OF USE :

This decision is in response to applicants' response to the Notification of Defective Response (Form PCT/DO/EO/916) mailed 12 September 2008, filed in the United States Patent and Trademark Office on 10 October 2008.

BACKGROUND

On 12 September 2008, the Office mailed Notification of Defective Response (Form PCT/DO/EO/916) indicating that the declaration of the inventors was defective and that a copy of the sequence listing in computer readable format, in compliance with regulations, were required. The Notification set a one month time limit for response.

On 10 October 2008, applicant filed a request under 37 CFR 1.497(d) and a sequence listing in computer readable format.

DISCUSSION

Applicants file this request to Walter Keith Jones, as an inventor.

A request under 37 CFR 1.497(d) requires: (1) a statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part; (2) the processing fee set forth in §1.17(i); and (3) the written consent of the assignee, if an original named inventor has executed an assignment.

Items (1) and (2) have been satisfied. Applicants provided a statement by Walter Keith Jones and the processing fee.

Item (3) has not been satisfied. The written consent of the assignee must comply with 37 CFR 3.73. A review of the papers did not locate a "statement affirming that the documentary

evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to §3.11; or" a statement specifying where the chain of title is recorded in the assignment records of the Office. See 37 CFR 3.73(b)(1). Further, it is noted that the assignment has not been recorded nor has a recordation fee been paid.

Further, the sequence listing furnished by applicants was found defective and could not be entered. Applicant has failed to comply with the Notification of Defective Response within the time limit. This application is abandoned. Applicants may wish to consider filing a petition under 37 CFR 1.137.

CONCLUSION

For the above reasons, applicant's request under 37 CFR 1.497(d) is **DISMISSED** without prejudice.

This application is **ABANDONED**.

A proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time are available under 37 CFR 1.136(a). Failure to timely reply may be construed as intentional delay.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web or if mailed, should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Erin P. Thomson/

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